

# TESTIMONY REVEALS BITTER BLOOD FEUD

## Witness Asserts Both Conroy and Hurley Repeatedly Threatened Killing And Hurley Bought Rifle For That Purpose.

(From Friday's Daily)

That the shooting of Conroy was the climax of a feud of several years standing the evidence introduced in the case of E. D. Hurley, indicted for the murder of Frederick J. Conroy, in the district court yesterday, indicates. A witness for the prosecution testified that Hurley showed him a new rifle of 30 U. S. caliber and told him that he bought it to kill Conroy, giving as a reason for purchasing the particular pattern that it shot the most penetrating bullet made. For the defense another witness said under oath that he set Conroy two years ago last July and that the latter asked him if he had seen Hurley, stating in the same conversation that he "expected to be compelled to kill the old gray-bearded — yet."

The prosecution closed its case between 3 and 4 o'clock in the afternoon. Three of the Conroy children testified in the forenoon, corroborating the testimony given by their mother Wednesday.

Witness King's evidence was damaging to Hurley. He said that he had visited the Hurley place a short time after the first shooting between Hurley and Conroy and borrowed a new rifle from Hurley to hunt. Hurley, witness said, stated that he had purchased the rifle to kill Conroy and in further conversation said that he had purchased the particular weapon for the reason that it had the most penetrating power made. On cross examination the witness stated that he had an interest in the prosecution of Hurley, but admitted volunteering to repeat the statements made by Hurley for the prosecution, shortly after the shooting.

James P. King, who lives ten miles south of the Hurley place, was the next witness. He said that he has been acquainted with Hurley for the last eight years. He visited Hurley's home in February of this year. Hurley informed him at the time that Conroy had not passed the place since they were before the grand jury for the first shooting. Witness suggested that Conroy probably feared being shot from ambush. Hurley replied that Conroy had no reasons for such fears as he, Hurley, had known him in the previous engagement that he did not fear to face him. Witness suggested further to Hurley that he and Conroy ought to forget their troubles and become friends. Hurley replied that he would not make up with a man who would come to his place to kill him and stated that if Conroy ever passed the place with that old gun of his, he would kill him.

Ralph King testified that he had a conversation with Hurley in 1905 in which he asked Hurley for the particulars of another shooting in which Hurley was alleged to have been a principal at the time. Hurley admitted shooting at the man and stated further, witness said, "there is another — goat man up here I intend to kill." This conversation was with Hurley, witness said, before his first shooting engagement with Conroy.

After the prosecution rested, J. J. Fisher was called by the defense. A map of the Hurley place and vicinity, made by Surveyor Fisher, was offered in evidence, which Fisher explained.

Fred Hawkins, marshal of Jerome, was the first important witness called by the defense. He said that previous to the first shooting affray between Hurley and Conroy that Conroy asked him to arrest Hurley, stating at the same time that if he did not arrest Hurley that he would go out and get him himself. Witness refused to arrest Hurley and Conroy never spoke to him afterwards. On cross examination Marshal Hawkins said that he would arrest Hurley if given a warrant for his arrest and admitted that he was taking interest in the case for the defense for the reason that he did not believe that Hurley got a square deal by the persons who investigated the shooting of Conroy.

Ralph Clark followed Marshal Hawkins on the witness stand. He told of meeting Conroy in July two years ago at the Cliff mine. Conroy was on his

way home and witness was going to Jerome. Conroy had a bottle of whiskey. He asked witness to join him in taking a drink. Witness took a drink and in the course of a short conversation Conroy asked him if he had seen Hurley that day and after witness answering in the affirmative Conroy said, "I expect I'll have to kill the old graybeard — yet."

Clark said on cross examination that he was on friendly terms with Hurley and was not on unfriendly terms with Conroy, although the questions asked by the district attorney pointed that the witness was not on friendly terms with Conroy since Conroy had refused to testify a certain way in a water suit in which Clark is alleged to have been interested.

L. A. Willard testified that he had known Hurley since 1879 in Nevada and that Hurley stopped at his place when he first came to Arizona. He said that he had a conversation with witness King last election day at Cottonwood in which King told him that he had asked Hurley to settle his quarrel with Conroy some time before the shooting. King informed witness that he had told Hurley that Conroy feared he would ambush him, and that Hurley answered that he would not ambush him and that Conroy could travel any trail if he would quit packing that old gun.

Cross examined, the witness admitted that he was friendly to Hurley and that the purpose of his conversation with King was to satisfy himself whether Hurley was a murderer, so that in case he appeared guilty to him he would not have any further relations with him.

Court adjourned at 5 o'clock until 9 o'clock this morning, when it is believed the defense will call the defendant to witness stand to relate his version of the shooting.

### HURLEY TELLS TALE OF CONROY KILLING

(From Saturday's Daily)

In direct and cross examination in the district court yesterday, E. D. Hurley, on trial for the murder of Frederick J. Conroy, denied ever pointing a rifle at the Conroy children, shooting at Mrs. Conroy, or telling witness Ralph King, who testified Thursday, that he (Hurley) had purchased a rifle to kill Conroy. In his cross examination Hurley said that some of the testimony given by witnesses was true and some untrue, notably that of Dennis Shea of Jerome, who Hurley said lied in his evidence.

He admitted shooting Conroy, his justification being self-defense.

Testifying to the shooting from the witness stand, he said in part that he left his house at ten minutes past 7 o'clock the morning of the shooting in search of a horse. He found the house and in returning to his place leading the animal was surprised when the horse threw its head back. Looking ahead he saw Conroy twenty-eight feet distant in front in the act of shooting at him with what he thought was a rifle. The first shot struck him in the left arm. A second shot was almost immediately fired, what he believed the bullet passing through the fleshy part of the leg near the left knee. He dropped the rope and ran as fast as he could in the direction of his house and corral. A third shot was fired by Conroy at a distance of 110 feet from him. Conroy continued to fire on him until he reached the corral, firing eight shots in all, five of which took effect. Arriving in the house witness stated that he immediately grabbed an automatic special rifle of .351 caliber, and finding his left arm paralyzed, leaned his left arm against the side of the door and fired the five shots at Conroy, the last taking effect as Conroy was reaching a clump of bushes. He saw Conroy fall.

He then started to wash the wound in his left arm and was surprised a half hour later by hearing Mrs. Conroy call some one. Looking out he saw J. S. Sinclair, who testified for the prosecution Thursday and asked said that he was in Hurley's home and

him to send for Fred Hawkins of Jerome and a doctor.

Testifying to the shooting scrape between himself and Conroy October 12, 1907, he said that it took place 240 feet distant from his house. He was working in a tunnel a short distance away and between 8 and 10 o'clock in the morning heard a bell ring in front of the tunnel. Coming out he saw a flock of goats running up the hill in the direction of the house. He started to drive the goats back when Conroy addressed him, saying, "I'm herding goats today and if you interfere with them I'll kill you." He (Hurley) went to his house 150 feet distant and coming out with his pistol, started again to drive the goats back when Conroy again addressed him, shouting, "Draw your gun and shoot, I'm ready," firing almost instantly. Conroy shot a second, third and fourth time and disappeared, defendant next seeing him a considerable distance away. Defendant admitted being wounded in the leg and breast in this affray.

He also testified that during the month of August preceding the shooting in October, 1907, Conroy met him on Little Oak Creek, where he, defendant, was engaged in making a water appropriation. Conroy asked him why he abused the Conroy children, which witness denied. Conroy then said: "If you ever do it again, I'll kill you and I have a — good notion to blow your head off right now." Conroy was then armed with a shotgun.

Defendant in the course of his testimony said that he never did anything to the Conroy goats except drive them away from a ditch 1,270 feet in length through which water flowed to his house which was used for domestic purposes. He declared that he did not want the goats around muddying the water and that he didn't like the smell of a goat. He always drove them away when he found them near his place or ditch.

The April before, Hurley said, Conroy drove the flock of goats by the Hurley house and invited him to "come out half way." Hurley refused to go out for the reason, he explained, that he did not want any trouble.

On another occasion, Hurley said that Conroy drove the goats over his water ditch. He objected and Conroy said that the brush was good around there and that he would herd his goats. "I told him then," Hurley said, "that I did not want any trouble with him as he was too poor a man to pay a fine."

Hurley admitted that he had a 30-30 caliber Winchester rifle, an automatic special rifle of .351 caliber, a shotgun and a pistol in his house, but declared that he had never stated to Ralph King that he had purchased any of the weapons to kill Conroy.

His version of the tilt with Mrs. Conroy, the day before Conroy was killed, was at variance with the evidence she gave from the witness stand. Hurley said that he saw Mrs. Conroy the day previous to the killing and that the goats were in a creek 200 feet from the house. He threw rocks at the goats. She told him to stop throwing the rocks and he answered that she could not drive the goats through there. She was 100 or 150 yards distant from him at this time. This was between 11 and 12 o'clock. He saw Mrs. Conroy again in the evening passing along the trail 50 feet from his house. She had a rolled magazine in her hand which she placed to her eye, he says, as she passed. She did not utter a word as she passed along on her way home.

He denied ever shooting at her or any of the children or the goats, although he headed them off several times from crossing his ditch.

E. H. Carpenter testified that he was engaged in doing assessment work near the Conroy place in July, 1902. He stopped at the Hurley place a short time and later moved to Little Oak Creek, a half mile below the Conroy place. He met Conroy at a spring 300 feet distant from Conroy's house and Conroy asked him, "Where is Ed Hurley?" following the query with the statement, "I want to kill the old —." Cross examined, Carpenter said that he did not mention this conversation with Conroy to anybody until he read of the tragedy in the newspapers.

Dr. Leavengood gave expert testimony concerning Hurley's wounds, which he dressed the evening of May 14 after the shooting. He admitted on cross and direct examination that he had declined to give any opinion to either counsel for the defense or prosecution concerning the wounds before going on the witness stand.

Leavengood was followed by Constable King of Jerome, who testified that Conroy requested him to arrest Hurley in October a year ago. Witness refused to arrest Hurley without a warrant. Conroy then said: "If some of you don't get Hurley I'll have to try to get him myself." This was before the first shooting affray between Hurley and Conroy. Witness also in Conroy's a few hours after the

first shooting and accompanied both men to Jerome. Conroy told him that he shot three and possibly four times at Hurley but was prevented from shooting at Hurley again on account of the wound in his arm. Conroy did not state who shot first.

Court then adjourned until 9 o'clock this morning.

### THINKS CASTLE HOT SPRINGS DESERT GARDEN SPOT

(From Friday's Daily.)

"The Castle Hot Springs is the garden spot of Yavapai county," said M. J. Hickey, proprietor of the Hotel St. Michael, who returned yesterday from that famous resort. He has been spending two weeks there and he is enthusiastic over the beauty of the place and its environments, and is especially loud in his praise of the management and the excellence of the service.

"Manager Shaffer and his assistant, Mr. H. H. Ward, are two of the most affable gentlemen I ever met. Their entire attention seems to be devoted towards ministering to the comfort and pleasure of their guests, and the Springs has the best staff of help I ever saw. The kitchen is without a peer anywhere and supplementing are a cold storage plant, an ice-making plant, a cream separator and vegetable gardens. No finer table is set in the west, everything being absolutely first class. Any person who wants a rest, or who desires to take a vacation, should certainly go to the Castle Hot Springs. It is both an ideal and an idyllic place and all that it needs to make it a large town is a railroad. I am heartily in favor of it and hope that it will not be long before it has such transportation facilities. However, the ride from the junction on automobile and stage, is a delightful one, and is not at all wearisome despite the 28 miles covered. At the Springs now the climate is semi-tropical and I doubt if it has an equal anywhere in the world. There is no limit to my praise of the Springs and its management, and there is nothing that you can say on that point that will be too strong."

Mr. Hickey returns to Prescott much benefited in health, which is manifested in his improved appearance. He spent a day in Phoenix on the return trip.

### DEMIJOHN INSANE

(From Friday's Daily)

Excited in manner and talking incoherently and incessantly, W. G. Adams, known all over the county as "Demi John Adams," was arraigned in the probate court yesterday and committed to the territorial asylum for the insane.

Adams has been a chronic inebriate for several years. He has spent the major portion of last year in the city jail sentenced for drunkenness. After being liberated from custody on one sentence, he invariably indulged too free in intoxicants and seldom kept out of jail for three days. Since incarcerated on the last sentence he has gradually grown worse and now seldom sleeps four hours at night. He is annoying to the other prisoners. He is very arrogant and occasionally threatens those around him with bodily harm.

His mental derangement is believed to be due to injury to his head received in an accident while working as a bridge builder several years ago. Those acquainted with him believe his case hopeless. He claims New York as his birthplace. He came here eight years ago. He was sentenced to a term in the city jail for drunkenness four years ago. He escaped from the bastille and stayed in Crown King two years before returning. While serving out his jail sentence last year he never took advantage to leave even when allowed the liberty of the yard.

### ELECTRIC THEATER

Not for a long time has there been such an interesting set of pictures as that displayed now at the Electric Theater. "What A Searchlight Shows" reveals the attractions of Coney Island and Luna Park both by day and night; "Days of the Revolution" tells the story of Washington crossing the Delaware and appeals to one's patriotism, while the "Disappearing Tramp" supplies the humor of the evening. The show is well worth patronizing, especially since it has come under the management of Shirley Balderson.

### ERNEST SAVAGE DIES

Ernest Savage of Flagstaff succumbed to pneumonia after a three weeks' illness, Friday afternoon at Fossil Creek. He was in the employ of the Arizona Power Company when stricken with the fatal illness.

He was 18 years old and a native of Oregon. He was the son of Mrs. George McCormick of Flagstaff. His remains will arrive here today. Funeral arrangements will be announced later.

# JURY FINDS SLAYER OF GOAT HERDER GUILTY OF FIRST DEGREE MURDER

## Defendant Who Had Been at Liberty Under Bonds of \$10,000 is Again Made Prisoner and Remanded To the County Prison.

(From Sunday's Daily.)

"We, the jury, find the defendant, E. D. Hurley, guilty of murder in the first degree and fix the penalty at imprisonment for life."

Such was the verdict returned by the jury at 8:45 o'clock last night in the case of E. D. Hurley, charged with the murder of F. J. Conroy, after an hour's deliberation.

The case was given to the jury at 6:30 o'clock after a five days' trial.

The jury was returned to the jury room at 7:30 o'clock after supper. At 8:30 o'clock the foreman announced to the officer in charge that a verdict had been reached.

At 8:50 o'clock the jury walked into the courtroom and announced the verdict in the presence of the court, counsel for both sides and the audience which filled the courtroom.

When the verdict was read, the defendant, who has been enjoying his liberty under \$10,000 bail, leaned backward in his chair. He sat unmoved as the document pronouncing him a convicted felon was read. The sinister smile which he displayed when District Attorney Morrison eloquently and bitterly arraigned him in his closing argument to the jury, had deserted him and was replaced by an ashen pallor that crept slowly over his countenance as he realized for the first time that he was condemned to the life of a felon for his remaining days.

His interest renewed in the proceedings, however, when the district attorney requested the court to order him taken into custody by the sheriff by raising slightly in his seat and awaiting the order of the court as he still hoped that he would be allowed his liberty pending the decision of the court on a motion for a new trial.

His demeanor as he left the court in charge of the sheriff indicated for the first time during the trial that he realized the heinousness of his offense when on May 14 of this year his conduct in shooting to death Fred J. Conroy left a widow to struggle for a living for herself and eight fatherless children, the oldest only thirteen years and the youngest only twelve months old, with no earthly possessions but a few hundred dead of goats.

The trial was one of the noted murder cases in the territory of recent years. Every technicality in criminal law was invoked by Attorneys J. F. Wilson and Reese M. Ling on behalf of the defendant. It was as bitterly fought by District Attorney R. E. Morrison and his assistant, J. C. Forest. Morrison's closing argument was pronounced one of the ablest ever made in a criminal case before the local bar. His eloquent plea that justice be meted out to Hurley for murdering the husband of the mother, who sat in court with her fatherless children, brought tears to the eyes of many in the audience and his reference to the evidence of May Conroy, the eight-year-old daughter of the murdered man, the only eye witness to the tragedy, supported by the testimony of her mother and Tilden Scott, and only contradicted by the defendant himself, appeared to convince everyone who had heard the evidence that Hurley was guilty of the crime with which he was charged.

May Conroy told the same story of the shooting of her father at the trial that she did to the coroner's jury a few hours after seeing her father shot to death on the side of Bull Hill. In her innocent and guileless way she repeated her statements on cross examination, looking straight into the eyes of Colonel Wilson, who was making the effort of his legal career to have the jury declare the slayer of her father blameless for his crime. She repeated how she was standing on the hillside overlooking Hurley's residence and of seeing him stand in the door and shoot at her father. She related how Hurley went to the corral near his house and fired two more shots at her father while the latter was coming down towards Hurley to get within range of Hurley to return the fire with his shotgun.

She admitted seeing her father fire two shots and of seeing him retreat up the hill when the third shot struck in his arm and of seeing Hurley shoot at him again twice, and of seeing her father fall after the fifth shot. She saw Hurley enter his house and returning, fire five shots at her father as he lay bleeding to death with a wound in his back in a clump of bushes on the hillside.

In addition to her mother's testimony, little May's evidence was corroborated accidentally by a question asked Tilden Scott by one of the jurymen during the trial. Witness Scott was asked if he had searched for empty shotgun cartridges at and around the scene of the shooting and answered that he had found three empty shotgun cartridges, two of which were fresh and one which had evidently been used a long time before.

This proved the testimony of little May as to the number of shots fired by her father. Its accidental discovery as well as the fact that her testimony was substantially the same at the trial as well as at the coroner's inquest, when the tragedy that left her sisters and brothers fatherless was still fresh in her memory, proved beyond reasonable doubt that she told the truth.

The introduction of testimony closed yesterday morning at 11 o'clock. Mrs. Henry Bevering testified that she was introduced to George Doty of Jerome by Mrs. Brinkwater, a friend, in a wine room in the Owl saloon building Thursday night and that Doty told her that if she would testify that she saw Hurley shoot at the Conroy children that he would give her \$500. She also alleged that Doty told her that if she would so testify that her husband would also testify to the same thing. Witness denied drinking in the wine room.

Her testimony was contradicted by Doty, who admitted meeting a Mrs. Bevering and Mrs. Brinkwater in the wine room and having a drink with them. He also admitted asking Bevering if she knew anything about Hurley shooting at the Conroy children. She asked him in reply "What was in it?" and he answered nothing.

Shortly after the verdict was returned last night (it was rumored in the streets and in the cafes that ten men on the jury were in favor of inflicting the death penalty but this could not be traced to any foundation.

Hurley is 60 years of age, according to his own statement. He is a native of Iowa. He came here from Nevada eighteen years ago. He has been engaged in mining and prospecting in the Black Hills almost ever since. In 1901 he got into a dispute with Conroy and has not been on friendly terms with him since.

He claimed that his rights were invaded from time to time by Conroy, who, he maintained, invaded his premises by grazing his goats on his mining claims and around his home. Bad feelings between the men continued until the shooting of Conroy, for which Hurley was found guilty last night.

### HILDETH BECOMES LAWYER

Former Rough Rider is Admitted to Bar at Phoenix.

Fen S. Hildreth, formerly of this city, who served in the Cuban campaign of the Spanish American war in Troop A of the Rough Riders, and who was four years register of the U. S. land office in Phoenix, is now a disciple of Blackstone. He was recently admitted to the bar in Phoenix.

He and Attorney Frank Thompson have formed a partnership, with offices in the Fleming block. The new firm will make a specialty of land office practice and mineral and mining contests before the department of the interior, with which both are familiar. Thompson has five years experience in land office procedure. Before his admission to practice he served as special land agent, was chief clerk of the United States land office in Tucson and in Eureka, California.

Hildreth's land office experience especially fits him for this line of legal work. Here and in Phoenix he has had charge of mineral and land contests, which included many intricate legal technicalities.

The members of the firm are well known all over Arizona.

### HOLD FANATICS

KANSAS CITY, Dec. 12.—Justice Ramey this afternoon ordered that James and Melissa Sharp and the other fanatics be held without bail for the murder of Policeman Dalbow.